

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3818 of 2007()

CRMP.791/2007 of DISTRICT COURT, PATHANAMTHITTA
CRIME NO.48 OF 2007 OF PERUMPETTY POLICE STATION
.....

: ACCUSED 2,8,9,12,AND 13.

1. RATHEESH, CHUTTIPARACKAL VEEDU,
PERUMPETTY, PATHANAMTHITTA.
2. SADASIVAN PILLAI C.R., KOONAMANGAL HOUSE
PERUMPETTY P.O.
3. ANISHKUMAR G., ARYAT HOUSE,
PERUMPETTY P.O.
4. SAJI KUMAR, CHIRATTOLIL HOUSE,
PERUMPETTY P.O.
5. BINU ALIAS KOCHUMON, VILLATH HOUSE,
KARIYAMPLAVU P.O., PERUMPETTY.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

B.A.No.3818 of 2007

Dated this the 26th day of June, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 2, 8, 9, 12 and 13 and they face allegations, inter alia, under Sections 332 and 308 I.P.C. The alleged incident took place on 30.03.2007. On receipt of information that there was a chance of a political clash in a locality, the police party allegedly rushed to the scene. A police official was attacked and deterred from performing his work. The members of the group allegedly indulged in acts of violence. Altogether there are 18 accused. The petitioners apprehend imminent arrest.

2. In response to a specific query by this Court, it is submitted that no serious injury is reported to be suffered by anyone of the victims. I find merit in the submission of the learned counsel for the petitioners that exaggerated allegations have been raised against the petitioners on account of political animosity. I am, in these circumstances, satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioners.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 03.07.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 04.07.2007 and 05.07.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 03.07.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.07.07.

(R.BASANT, JUDGE)

rtr/-

